HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2820 OF 2006.

Ambubai Sandipan Jadhav. ..Petitioner.

Versus.

Varsha Vijay Gaikwad.
& others. ..Respondents.

Shri. R. V. More with Shri. Umesh Mankapure for the Petitioners.

Smt. Veena Thadani for the respondent no.1.

Smt. V. S. Mhaispurkar, A.G.P. for respondent nos. 2 to 4.

CORAM: S.B.MHASE, J.

DATE : MAY 4, 2006.

P.C.

1. Heard both sides. The petitioner has challenged the order passed by the Minister of State, Excise, Maharashtra State, Mumbai in a proceeding bearing NO. LDA/1105/ASHA-12/EXC-3 dated March 6,2006. It pertains to the liquor licence of CL-III. This is a matter under section 138 of the Bombay Prohibition Act. Initially, the dispute in respect of the licence was between the petitioner and the respondent no.1 and looking to the fact that the dispute exists between the parties, the renewal of licence was refused. However, having realised that the dispute between them will

ultimately lead to the cancellation of licence and none of them will be in the business of liquor, they have settled the matter between themselves and have submitted the consent terms. Consent terms have been signed by the Advocates of the parties under special power given to them to compromise the matter before the Collector Sangli. Therefore, liberty is given to them to submit the consent terms duly signed by the respective parties. Consent terms are taken on record and marked "X" for identification. Undertakings given to this Court are also accepted.

2. Learned A.G.P. appearing for the State submits that in view of the consent terms, the Collector Sangli will consider the question of renewal of licence in favour of the petitioner and respondent no.1.

3. In the circumstances, following order is passed.

4. Petition is disposed of in terms of the Minutes of Order with a further direction to the Collector Sangli (respondent No.2) that he shall decide the question of renewal of licence of the petitioner and respondent No.1 in the light of the consent terms arrived

at between the parties. We find that in the impugned order the Minister has also expected the same thing. Therefore, it is not necessary to set aside the order passed by the Minister while remanding the matter to the Collector. Collector, Sangli is directed to dispose of the renewal application of the petitioner and respondent no.1 within a period of 15 days from today.

(S.B.MHASE, J.)